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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,158	03/05/2002	Evan F. Wies	IMM062C	1658

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PATENT DEPARTMENT (51851)
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EXAMINER

SHAH, KAMINI S

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,158

Applicant(s)

WIES ET AL.

Examiner

Kamini S. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/24/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 78-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 79-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/24/05 have been fully considered but they are not persuasive. Applicant have referenced the specification by page number and line number, however, claims 79-105 still stand rejected under 35 USC 112 second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to applicant labeled paragraph I regarding "Force Feedback Command" examiner had withdrawn the rejection in the communication mailed 11/24/04 in response to RCE filed on 09/09/04.

With regard to paragraph II, examiner states that claims 79 and 95 for reciting, "receiving an input signal from a network, the input signal comprising an embedded feedback command" and that the specification includes no enabling support. Applicant argues by explaining the definition from the Microsoft Computer Dictionary. However, the argument is not persuasive because cited paragraph of specification, or even any part of specification does not provide the support for "receiving input signal from network comprising an embedded force feedback command". Specification states, "instruction are provided in the received web page define an authored force effect for the plug-in". The recited "authored force effect" cannot be understood by one ordinary skill in the art as the "embedded force feedback command".

With regard to paragraph III, examiner is unable to find enabling support for a receiving step of 91 and 102. Applicant argument is not persuasive for similar reasoning

as explained in response to paragraph II. Furthermore, applicant assume that “[I]n order to generate the HTML code, the force-enabled authoring tool received the force feedback command” is not persuasive since provide example of figure 17b for giving options for the user to assign a force effect for web page object, has no enabling support for “receiving a force feedback command”.

With regard to paragraph IV, examiner has withdrawn the rejection for claims 82, 84 and 96, since specification providing support for “manupulandum” in alternative definition.

With regard to paragraph V, for claims 86 and 97, for specification not providing the support for “overriding the first force feedback command with a second force feedback command”. Applicant makes assumption that cited paragraph of specification provides support for first and second feedback command. Examiner disagree since “force feedback information for authored effect” cannot be interpreted as claimed “first force feedback command” and cited “generic effect command” cannot comprises the claimed “second force feedback command”. There is no consistency of wording or even for meaning of the claimed phrase with disclosed specification.

With regard to paragraph VI, the cited “generic effects can also be applied to web page objects not having any authored effects” does not provide support for claimed “generic force feedback command”. One ordinary skill would not understood the “effect” as “force feedback command”, simply, not persuasive.

With regard to paragraph VII, for claims 89 and 100, examiner disagree with applicant argument as explained in relation to claims 86 and 97 with regard to

paragraph V herein above. As explain specification does not provide support for "second force feedback command".

With regard to paragraph VIII, applicant argues the summary of invention describes "associating force web page objects with at least one generic force effect" on page 4, lines 5-7. However, examiner disagree, simply because cited lines has no support:

"[T] he force feedback provided by the methods and apparatus of the present invention enhance the sensory experience of the user to provide a richer, more interesting, and more enjoyable interaction with information received over networks".

Therefore, 112 second paragraph rejection, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regard as the invention, is proper and claims 79-105 are stand rejected.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 79-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See the rejection explained herein above.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 79-105 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See rejection explained herein above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
Art Unit 2142

KSS